

C-O-N-T-E-N-T-S

CHAPTER 12 UTILITIES

ARTICLE 1 SEWER SYSTEM

- 12-1-1 Sewer System Division
- 12-1-2 Connection Requirements
- 12-1-3 Permits and Costs
- 12-1-4 Building Sewer/Service Line Installation
- 12-1-5 Sewer Main Extensions
- 12-1-6 Wastewater Service Charges
- 12-1-7 Powers and Authority of Inspectors
- 12-1-8 Violations
- 12-1-9 Penalties

ARTICLE 2 WATERWORKS SYSTEM

- 12-2-1 Waterworks Division
- 12-2-2 Connection Requirements
- 12-2-3 Permits and Costs
- 12-2-4 Building Water Service Line Installation
- 12-2-5 Water Main Extensions
- 12-2-6 Water Meters
- 12-2-7 Water Service Charges
- 12-2-8 Powers and Authority of Inspectors
- 12-2-9 Violations
- 12-2-10 Penalties

ARTICLE 3 ELECTRIC SYSTEM

- 12-3-1 Electric Division
- 12-3-2 Connection Requirements
- 12-3-3 Permits and Costs
- 12-3-4 Service Line Installation and Connection
- 12-3-5 Electric Distribution Line Extensions and Reinforcements
- 12-3-6 Electric Meters
- 12-3-7 Powers and Authority of Inspectors
- 12-3-8 Violations
- 12-3-9 Penalties

ARTICLE 4 UTILITY SERVICE RATES AND FEES, RULES AND REGULATIONS

- 12-4-1 Definitions
- 12-4-2 Rate Tables and Capital Improvement Fees
- 12-4-3 Rules and Regulations

ARTICLE 5 UTILITY EXTENSION REIMBURSEMENT POLICY

- 12-5-1 Statement of Policy
- 12-5-2 Definitions
- 12-5-3 Utility Extension Specifications
- 12-5-4 Reimbursement Agreements

ARTICLE 6 GARBAGE COLLECTION AND RECYCLING SYSTEM

- 12-6-1 Definitions
- 12-6-2 Owners or Occupants of Premises to Provide for
Collection and Disposal of Trash, Garbage,
Ashes, and Rubble
- 12-6-3 System Established
- 12-6-4 Residential Service
- 12-6-5 Residential Containers
- 12-6-6 Residential Service to be Provided
- 12-6-7 Cost of Residential Service
- 12-6-8 Source Separated Recycling Program
- 12-6-9 Commercial Service
- 12-6-10 Commercial Service to be Provided
- 12-6-11 Cost of Commercial Service
- 12-6-12 Payment of Charges; When Due; Delinquencies; Lien
- 12-6-13 Prohibited Acts
- 12-6-14 Penalty

CHAPTER 12

UTILITIES

ARTICLE 1 SEWER SYSTEM

- 12-1-1 Sewer System Division
- 12-1-2 Connection Requirements
- 12-1-3 Permits and Costs
- 12-1-4 Building Sewer/Service Line Installation
- 12-1-5 Sewer Main Extensions
- 12-1-6 Wastewater Service Charges
- 12-1-7 Powers and Authority of Inspectors
- 12-1-8 Violations
- 12-1-9 Penalties

12-1-1 Sewer System Division.

A. Sewer System Division; Responsibility. The Sewer Systems Division shall be responsible for all components of the City sewer system used for collection and treatment of the sanitary waste.

B. Sewer System Management. The Public Works Director (hereinafter Director), under the direction and control of the City Manager, shall be responsible for the operation and maintenance of the sewer system. The Director shall be responsible for the enforcement of the City sewer system regulations, complying with State and Federal rules concerning sewage disposal, and shall be accountable for materials used in the maintenance or extension of the sewer system.

C. Rules and Regulations. The Director shall recommend such rules, ordinances, or regulations for adoption to the City Manager as may be required to protect the system and to insure safe and efficient operation of the system.

D. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

1. Assessment District (Local Improvements). Is a legally-formed district having definite boundaries and formed to finance the construction of a particular improvement or improvements.
2. A.S.T.M. American Society for Testing and Materials.
3. B.O.D. Denoting Biochemical Oxygen Demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees (20°) Celsius, expressed in milligrams per liter (mg/l).

4. **Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.
5. **Building/Sewer Service Line.** That part of the drainage system which extends from the end of the building drain and receives the discharge of the building drain conveying the waste to the sewer main or other point of disposal.
6. **Capital Improvements.** New facilities, expansion or extensions of the City sewer system which are not considered general maintenance, repair, or operations.
7. **Connection Permit.** Written authorization to connect to the sewer main or expand the number of fixtures that will drain into the City sewer system.
8. **Developer.** A person, persons, partnership, corporation, or other legal entity requesting extension of sewer mains.
9. **Dwelling Unit.** A room or combination of rooms containing cooking and bathroom facilities, sufficient for occupancy by one or more persons on a permanent basis.
10. **Capital Improvement Fee.** A fee charged to pay for the installation and replacement of the wastewater system infrastructure and is a one-time fee to use the system.
11. **Tap Fee.** A fee charged by the City for materials and labor for the physical tap of the building sewer/service line into the City's service main.
12. **Floatable Oil.** Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.
13. **Homeowner.** A person occupying and owning a residential dwelling unit that is not being built for resale, rental, or similar purposes.
14. **Industrial Wastes.** The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
15. **Licensed Plumber.** A plumber as defined in and licensed pursuant to the Colorado Revised Statutes as the same may be now or hereafter amended.

16. Natural Outlet. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

17. Operation and Maintenance. All expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

18. Open for Public Use (Street or Alley). A street or alley legally platted or accepted by the City as a street or alley and which is being used by the general public as such.

19. Private Sewer. The building sewer/service line and any building drains upstream of it.

20. Sanitary Sewer. A sewer that carries wastewater from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

21. Sewer District. A legal entity formed in accordance with Colorado Revised Statutes having as one of its purposes the collection, transportation, or treatment of wastewater.

22. Sewer Main. That portion of the wastewater facilities owned by the City or a sewer district used to convey wastewater from building sewers/service lines to the treatment facility.

23. Slug. Any discharge of wastewater of fifteen (15) minutes or longer which, in concentration of any given constituent or in quantity of flow, exceeds more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

24. Special Event. Any activity, commercial, civic or otherwise, which obtains a City Special Events Permit or which has a duration of no more than seven (7) days.

25. Storm Drain. Sometimes termed "storm sewer" shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

26. Suspended Solids. Total particulate matter that either floats on the surface of, or is suspended in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

27. Wastewater. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may unintentionally be present.

28. Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent and sludge.

12-1-2 Connection Requirements.

A. Connection Required.

1. Connection to sewer main. The owner of any building required to have a sanitary sewer by the Uniform Plumbing Code, current edition, as adopted by the State of Colorado, situated within the City and abutting any public street, alley, or right-of-way in which there is now located a sewer main owned by the City or sewer district is hereby required, at owner's expense, to connect such building sewer/service line to the sewer main, in accordance with this Article. New buildings or lots, requiring sanitary sewer disposal devices, shall be required to extend a main to serve property in accordance with Section 12-1-5, Sewer Main Extensions, if a sewer main does not abut the property in question, but is located within four hundred (400) feet of any property line of the lot or parcel of land upon which the building is to be located, unless a waiver is granted by the City Council pursuant to the provisions set forth herein. For the purpose of this section, the term "property line" shall include the City of Gunnison boundary if the boundary transects a single parcel of property.

2. Connection to ISDS. A building required to have a sanitary sewer by the Uniform Building Code, current edition, as adopted by the State of Colorado, may connect to an ISDS in lieu of connection to a sewer main provided all of the following conditions are met:

- a. The ISDS shall have a flow capacity not to exceed four hundred fifty (450) gallons per day.
- b. The parcel of land upon which the ISDS is to be constructed is not less than two (2) acres in size and is not located within an existing subdivision as defined in the Land Development Code, or was not created by a prior subdivision of land.

c. The nearest sewer main is located not less than four hundred (400) feet from any property line of the parcel of land on which the ISDS is to be constructed. This requirement may be waived by the City Council upon a finding that the connection to the sewer main is not feasible for economic or physical reasons.

d. There shall be no more than one (1) ISDS on any parcel of land.

e. All ISDS shall comply with the requirements of the "Gunnison County Individual Sewage Disposal System Regulations" and have a valid permit issued therefore by the County of Gunnison.

3. Adoption of ISDS Regulations by reference.

a. Adoption. The "Gunnison County Individual Sewage Disposal System Regulations", except for Part IX, Requirements for Other Systems, Part XII, ISDS District, Part XVII, Environmental Health Board, adopted on June 20, 1995, by the Board of County Commissioners of Gunnison County, Colorado, as the Gunnison County Board of Health, whose address is 200 East Virginia Avenue, Gunnison, Colorado 81230, are hereby adopted by reference.

b. Conflicts and Changes. If any provision of the "Gunnison County Individual Sewage Disposal System Regulations" conflicts with the provisions of this Article, then the terms of this Article shall be deemed to be controlling. Wherever the term "Environmental Health Board" appears in the "Gunnison County Individual Sewage Disposal System Regulations", the City Council shall be substituted therefor.

c. Enforcement. The City of Gunnison shall have concurrent enforcement authority with the County of Gunnison to enforce the provisions of the "Gunnison County Individual Sewage Disposal System Regulations" within the corporate limits of the City of Gunnison.

4. Connection Required When Sewer Main Available. Within one (1) year after written notification by the City that a sewer main is available within four hundred (400) feet from any property line of the parcel of land served by an ISDS, cesspool, privy vault, or other device, such device shall be abandoned and filled, and the owner or user thereof shall connect to the sewer main in accordance with this Article. This requirement may be waived by the City Council upon a finding that the existing device is not a threat to public health or water quality, and that connection to the sewer main is not feasible for economic or physical reasons.

5. Interconnection Prohibited; Separate Service Line. Building sewer/service lines shall not be interconnected in any manner which would allow the service of separate buildings or parcels of property which are in separate ownership or which may be sold or conveyed separately. All separate buildings or parcels of land that may be sold or conveyed separately, except individual air spaces located in a single building, are required to have a separate building sewer/service line. In cases where more than one building or parcel of land in separate ownership have been connected to a single building sewer/service line prior to the adoption of the Article, the same may continue to be utilized until a sewer main is constructed adjacent to the property. After such sewer main is constructed and upon written notice by the City to the owner, such building or parcel shall be connected to the sewer main by an individual building sewer/service line within one (1) year.

6. Portable Sanitary Toilets. Portable sanitary toilets are permitted within the City only in connection with special events or upon a construction site for which a valid building permit has been issued. All portable sanitary toilets shall be regularly serviced and cleaned as often as necessary to prevent unsanitary conditions or odors.

7. Other Devices Prohibited. No cesspool, septic tank, privy vault, or other device for sanitary sewage disposal, except as expressly permitted herein, shall be excavated or constructed within the corporate limits of the City of Gunnison.

Penalties. Any person convicted of a violation of any provision of this ordinance or the provisions of the "Gunnison County Individual Sewage Disposal System Regulations" shall be fined in the sum of not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than ninety (90) days, or both such fine and imprisonment.
(Ord. 13-98, 1-1-99)

12-1-3 Permits and Costs.**A. Connection Permit Required.**

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the City's wastewater facilities. Owner or the owner's agent shall make application on a special form furnished by the City in order to gain service to the City's wastewater facilities. The permit application shall be supplemented by any plans, specifications or other information as required by the Community Development Department. All applicable fees shall be paid prior to the issuance of a permit.
2. A connection permit shall be secured before any person may make a connection to the City's wastewater facilities or expand the size of an existing building/sewer service line. Buildings destroyed and razed or rebuilt, or expanded shall be given credit for the size of the building/sewer service line that previously existed in the building/sewer service line shall be subject to the existing capital improvement fee in effect on the day the increased building/sewer service line is installed, less the applicable credit. A separate connection permit shall be required for each physical connection to the structure's drainage system. Any increase in the size of the City's wastewater facilities, and/or increases in size of the building/sewer service line. The cost of a connection permit will be determined on the basis of the size of the building/sewer service line in the sewer system fee schedule.
3. There are two components to the connection permit fee which are associated with the use of the City's wastewater facilities. Those fees are (1.) the tap fee; and (2.) the capital improvement fee.

B. Connection Permit, Issuance, and Requirements. A connection permit will not be issued nor will fees therefor be accepted until: (1.) a need exists; or (2.) a building permit and/or State plumbing permit has been issued.

The physical installation of the building sewer/service line and/or drainage fixtures for new and existing structures shall be completed within one hundred eighty (180) days of acquiring the connection permit.

The physical connection to the sewer main and/or drainage fixtures for new construction must be completed within one hundred eighty (180) days of acquiring the connection permit.

One extension of the preceding time limits may be granted by the Community Development Department for undue and unforeseen delays caused by circumstances beyond the control of the permittee.

If the permittee fails to complete the physical connections within the prescribed time limit, the connection permit shall become null and void, permit fees refunded less Ten Dollars (\$10.00) for administration fees, and a reapplication for a permit will be necessary. Fees charged for the new connection permit will be determined using the line size cost.
(Ord. 16-98, 1-1-99)

12-1-4 Building Sewer/Service Line Installation.

A. General. New building sewer/service lines shall not serve properties that are not owned by the permittee.

1. Subdivisions or sales of land that will create situations where a building sewer/service line could serve properties under different ownerships, shall require the installation of separate building sewer/service lines to serve the new parcels. Original abandoned service lines must be disconnected.

2. All abandoned lines shall be capped in a manner approved by the Public Works Department so as to eliminate the possibility of ground water infiltration.

3. Location of building sewer/service line connections to the sewer main shall be approved by the Public Works Department and as-built locations of the building sewer/service line furnished to the Department after connection.

4. Sewer service line installation within the City right-of-way, including excavation, bedding, compaction, and backfill, shall be done by authorized agents of the City. A licensed plumber under supervision of a master plumber and licensed by the State shall do plumbing on building sewers on private property which are connected to the City sewer system. A homeowner may do plumbing on private property on which is placed a single dwelling unit of which he is the sole resident. Unauthorized people doing plumbing shall be deemed in violation of this Chapter.

B. Colorado Plumbing Code. All building sewer/service lines within the City or connected to the City's wastewater facilities shall be installed in accordance with the Colorado Plumbing Code, current edition, and amendments thereto which have been adopted by the State of Colorado and any additional requirements of this Chapter.

C. Building Sewer/Service Line Specifications.

1. Specifications:

- a. Building sewer/service lines shall not be larger than six inches (6") nor smaller than four inches (4").
- b. Building sewer/service line pipe shall be formed of polyvinyl chloride pipe material (PVC) conforming to A.S.T.M. D-3034 with S.D.R. ratio of thirty-five (35) or less or cast-iron pipe conforming to the Colorado Plumbing Code, current edition. Gaskets used in conjunction with PVC pipe shall conform to A.S.T.M. D-3212 and tie seal gaskets shall be used with cast iron for soil pipe and building sewer/service lines.
- c. Backfill and compaction shall be in accordance with specifications provided by the Department of Public Works.
- d. Depth of building sewer/service lines shall be sufficient to prevent freezing and constructed to prevent damage to pipe from imposed loads.
- e. Building sewer/service lines shall be located a minimum of ten feet (10') horizontally from any water main or water service line. If a building sewer/service lines must cross a water main or water service line within eighteen inches (18") vertically, above or below, the building sewer must be encased in concrete a minimum of ten feet (10') each direction from the crossing point or cast-iron pipe may be used if a joint at least eighteen feet (18') long, centered at the crossing point, is used and the joints at the end of this section are encased in concrete.
- f. The size, slope, alignment, materials of construction of a building sewer/service line and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Uniform Building Code and the Colorado Plumbing Code or other applicable rules and regulations of the City, State, and Federal governments.
- g. A separate and independent building sewer/service line shall be provided for every building except where one building stands at the rear of another on an interior lot or cannot be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer/service line, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

h. Existing building sewer/service lines may be used in connection with new buildings only when they are found, on examination and test by the Public Works Department to meet all requirements of this Chapter.

i. Whenever possible, the building sewer/service lines shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the sewer main, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer/service line.

j. No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface water, stormwater, or groundwater to a building sewer/service line which in turn is connected directly or indirectly to a sewer main.

k. The connection of the building sewer/service line into the sewer main shall conform to the requirements of the Uniform Building Code and Colorado Plumbing Code or other applicable rules and regulations of the City, State, and Federal governments. All such connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved before installation.

l. The applicant for the building sewer connection permit shall notify the Community Development Department when the building sewer is ready for inspection and connection to the public sewer. The testing shall be made under the supervision of the Community Development Department representative.

2. Interceptors and Pretreatment.

a. Grease, oil, and sand interceptors shall be provided when in the opinion of the Director they are necessary for the proper handling of liquid wastes containing floatable grease or excessive amounts of any sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily maintained. The owner of the interceptors shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain

records of the dates and means of disposal which are subject to review by the Director. Any removal, hauling, and disposal of the collected materials shall comply with current Federal, State, and local regulations.

b. The Director may require that building sewer/service lines carrying industrial wastes be equipped with pretreatment facilities. Pretreatment of industrial wastes shall comply with applicable State and Federal regulations prior to actual connection to the City's wastewater facilities.

c. When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the State of Colorado. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

d. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies shall comply with State of Colorado Regulations.

e. All costs for verification, tests, sampling, certifications, etc. meeting these standards shall be borne by the user.

D. Costs. Sewer service line installation by the City within the City right-of-way including material, labor, hardware, equipment use, and land surface replacement (due to excavation) shall be paid by the permittee. The portion of the service line from the property line to the main, including a clean-out at the property line, shall be installed by authorized City personnel.

Prior to issuance of the connection permit, all fees shall be paid.

E. Inspection, Tests. The permittee shall make arrangements for inspection of the building sewer/service line giving ample time (min. twenty-four (24) hours) for the inspector to schedule same. The following inspections must be accomplished:

1. Test of the building sewer/service line, before backfill. The building sewer/service line shall be capped at one end and water tested with a head of water pressure equal in height to the surrounding surface elevation nearest the building, applied to the other end of the building sewer/service line or tested in any manner approved by the Community Development Department. The leakage test shall be conducted by the plumber in the presence of the Community Development Department Inspector and any leakage of the building sewer/service line shall be corrected by the person responsible for laying that portion of the building sewer/service line which leaks.

2. Bedding of the pipe, compaction and backfill.

F. Maintenance Responsibility. The City shall be responsible for any problems with the building sewer/service line within the public right-of-way.

The City shall be responsible for and shall repair the excavation if and when settlement occurs within the public right-of-way.

The property owner shall bear all responsibility for maintenance of the building sewer/service line and excavation, on private property.

If the City determines through observation television of the sewer mains or other appropriate methods that a building sewer/service line is permitting infiltration of groundwater, the Public Works Department may notify the owner of the line in writing and require that the line be repaired or replaced or other measures taken, at the owner's expense, in order to alleviate the infiltration problem. Remedial action must take place within a reasonable time as determined by the Public Works Director.

12-1-5 Sewer Main Extensions.

A. General Applicability. These sewer main extension regulations apply to those portions of the City that have been legally subdivided and platted prior to the effective date of these regulations. Any portion of the City which has not been platted prior to enactment of this Chapter shall comply with the requirements stated in the Subdivision Regulations.

B. Length and Location of Extended Mains. All new sewer main extensions shall extend the full length of the property to be served or developed and continue to the next intersecting right-of-way.

Sewer mains shall be located in a public right-of-way and the location must be approved by the Public Works Department.

C. Engineering and Design.

1. The City shall provide the engineering and design work, at its cost, for extensions of sewer mains that will be located in developed City streets or alleys that have been previously platted, accepted, and opened for use as a public right-of-way.

2. In those instances where the streets, alleys, or right-of-way have not been opened for public use (in platted areas), the developer shall furnish engineering data and plans conforming to City regulations and specifications. The design and engineering work shall be done by a professional engineer licensed by the State of Colorado and these engineering and design costs shall be borne by the developer. All plans shall require approval of the Public Works Director.

D. Excavation and Installation of City Sewer Mains. The developer shall be responsible for installation of the main and shall secure all permits and inspections as required by this Chapter.

The minimum size of a sewer main shall be eight inches (8"). If the City requires a sewer main larger than that required to serve the developer, the City shall bear the differences in cost of the pipe required because of oversizing.

All sewer mains installed in the City sewer system shall be formed of polyvinyl chloride pipe material conforming to A.S.T.M. D-3034 (for 4 to 15 inch pipe) or F679 (for 4 to 15 inch pipe) with an S.D.R. ratio of thirty-five (35) or less, and shall have flexible joints employing gaskets conforming to A.S.T.M. D-3212.

Before any work is commenced, approval of the Public Works Director must be secured.

Upon completion of the main, prior to dedicating the line to the City, the developer shall furnish as-built plans stamped by a professional engineer licensed by the State of Colorado, to the Public Works Department. The plans shall show materials, location, elevations and profiles of all components of the new sewer main.

Required inspections:

1. All contracted excavations for main line extension shall be installed and inspected to meet City specifications.

2. Inspections shall be required before and during the bedding of the sewer main. The developer must notify Public Works Department inspector twenty-four (24) hours prior to backfill placement.

3. A leakage test, with the Public Works Department inspector present, must be conducted either before or after the main is buried.

Installation of the sewer main, all components of the main, and backfill, shall be in accordance with this Chapter, the Plumbing Code, current edition, and City specifications.

Work shall not be covered until approved by the Public Works Department.

E. Testing. Sewer main extensions shall be tested by the following methods:

1. If groundwater is not present in the trench, the line or portion of the line being tested shall be capped water-tight at the low end and a head of water pressure equal in height to the surrounding surface applied at the other end, or the line may be tested in any manner approved by the Public Works Department.

2. If trench water is present to a depth so as to inundate over the top of the entire pipe along the entire length of sewer main, the following method shall be used for the test. A "V" notch weir shall be installed at the lower end of the main so that the infiltration rate can be checked.

Any leakage of the sewer main, regardless of test method used, shall not exceed fifty (50) gallons per inch diameter of the main, per mile per twenty-four (24) hour period. Any leakage in excess of the above limits shall be corrected by the contractor/plumber.

Upon the completion of a successful test, the Public Works Department shall sign a certificate of testing and give one copy to the contractor.

F. Cost, Responsibility of. Costs of materials for sewer main extensions including pipe, manholes, labor, and testing, shall be borne by the developer. In cases where main lines will benefit multiple landowners, or properties, the use of assessment districts (Local Improvements) is encouraged in order that the costs can be shared by all of those who benefit from the new infrastructure. Local Improvements can be initiated by either the City or by petition of landowners and are addressed in the Chapter on Local Improvements of the Municipal Code.

G. Dedication of Mains to the City. Upon completion of the extended main to the satisfaction of the Public Works Department, the developer for which the sewer main was extended shall convey said sewer main to the City, relinquishing all ownership rights. This dedication will be prepared by the developer and approved by the City Attorney.

Upon acceptance by and conveyance to the City, the developer shall warrant the materials and workmanship of the conveyed facilities for a period of one year from date of acceptance. Upon the expiration of the warranty period, the City shall assume all responsibilities of ownership and maintenance of the main. Until the main is conveyed, the responsibility and maintenance shall be borne by the developer.

No building sewer connections shall be made to the sewer main until the ownership of the main has been conveyed to the City.

H. Extension of Sewer Mains Outside the City Limits. Extension of sewer mains to areas outside the corporate limits of the City shall require City Council approval.

12-1-6 Wastewater Service Charges.

A. The User Charge. The user charge shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and other related sewer system costs which the City may determine by ordinance to be paid by the user charge. User charges are outlined in the sewer system fee schedule.

B. Review of User Charge System. The City will review the user charge system periodically and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

12-1-7 Powers and Authority of Inspectors.

A. Entry of Properties. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this Chapter.

B. Obtain Information. The Public Works Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

C. Limitations. While performing the necessary work on private properties, the Public Works Director or duly authorized employees of the City shall observe all applicable safety rules. The owner or occupant shall be held harmless for injury or death to the City employees, and the City shall indemnify the owner or occupant against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner or occupant, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions as required.

D. Entry of Areas Within an Easement. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds either a duly negotiated easement or a prescriptive easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

12-1-8 Violations.

Each day that a violation exists shall constitute a separate offense.

12-1-9 Penalties.

Any person, firm, or corporation convicted of violating the provisions of this Article shall be subject to the penalties provided in Chapter 4, Article 2 of the Municipal Code.

(Ord. 2-94, 6-14-94)

CHAPTER 12

UTILITIES

ARTICLE 2 WATERWORKS SYSTEM

- 12-2-1 Waterworks Division
- 12-2-2 Connection Requirements
- 12-2-3 Permits and Costs
- 12-2-4 Building Water Service Line Installation
- 12-2-5 Water Main Extensions
- 12-2-6 Water Meters
- 12-2-7 Water Service Charges
- 12-2-8 Powers and Authority of Inspectors
- 12-2-9 Violations
- 12-2-10 Penalties

12-2-1 Waterworks Division.

A. Waterworks Division Responsibility. The Waterworks Division shall be responsible for the water supply serving the City.

B. Waterworks Management. The Public Works Director (hereinafter Director), under the direction and control of the City Manager shall be responsible for the operation and maintenance of the waterworks and shall have charge of all matters concerning the water supply, enforcement of waterworks regulations, accountability for materials and the manner in which the same are used or disposed of.

C. Rules and Regulations. The Director shall recommend such rules, ordinances or regulations for adoption to the City Manager, as may be required to insure safe and efficient operation of the water supply system, for a water supply sufficient to satisfy the public needs, and for water quality, by protecting the water supply from polluting or unsanitary substances and conditions.

D. Definitions.

1. Business or Commercial Buildings. Any building housing one or more spaces or rooms from which a mercantile pursuit, transaction, industry, occupation, trade or commerce is conducted for the primary purpose of financial gain.

2. Capital Improvements. New facilities, expansion or extensions of the City waterworks system which are not considered general maintenance, repair, or operations.

3. Connection Permit. Written authorization to connect to the water main or expand the size of the customer line will be served by the City water system.
4. Developer. A person, persons, partnership, corporation, or other legal entity requesting extension of water mains.
5. Dwelling Unit. As defined in the Zoning Code.
6. Capital Improvement Fee. A fee charged to pay for the installation and replacement of the water system infrastructure and is a one-time fee to use the system.
7. Tap Fee. A fee charged for City materials and labor for the physical tap of the service line into the City's distribution main.
8. Homeowner. A person occupying and owning a residential dwelling unit and not building for resale, rental, or similar purposes.
9. Housekeeping Facilities. Shall include at least a cooking stove, heating facilities, bathroom group, refrigerator, and kitchen sink.
10. Immediately Accessible. Access to something that does not require moving objects other than the access cover and where removal of the access cover does not require tools to open.
11. Licensed Plumber. A licensed plumber as defined in and licensed pursuant to the Colorado Revised Statutes 1973, as the same may be now or hereafter amended.
12. Opened for Public Use (Street or Alley). A street or alley legally platted or accepted by the City as a street or alley and which is being used by the general public as such.
13. User. Any person who uses, takes water from, or is connected to the water supply system of the City.
14. Water Distribution Main. That dedicated portion of the waterworks system which transmits and distributes water of the City from treatment facilities (wells) and storage facilities to the users, excluding service lines.
15. Water Service Line. That portion of the waterworks connecting the users building or premises to the distribution main and includes all piping to the users side of the water meter.

16. Waterworks Facilities. Any and all rights and property of the City concerning water and water supply facilities. Any and all devices, facilities, structures, equipment or works owned or used by the City for the purpose of collection, storage, transmission, treatment, regulation or distribution of potable water, including land, wells, distribution mains, pumping facilities, metering devices and their appurtenances.

12-2-2 Connection Requirements.

A. Connection Required.

1. Connection to water distribution main. The owner of any house or other building utilized for business or residence purposes which requires water-using devices situated within the City and abutting any public street, alley, or right-of-way in which there is now located a water distribution main of the City is required, at owner's expense, to connect such building by means of a service line directly with the distribution main, in accordance with this Article. New buildings or lots, requiring water-using devices, shall be required to extend a main to serve property in accordance with Section 12-2-5, of this Article, if a water main does not abut the property in question, but is located within four hundred (400) feet of any property line of the lot or parcel of land upon which the building is to be located, unless a waiver is granted by the City Council pursuant to the provisions set forth herein. For the purpose of this section, the term "property line" shall include the City of Gunnison boundary if the boundary transects a single parcel of property.

2. Connection to Individual Well. A building or lot requiring water-using devices, may connect to an individual water well in lieu of connection to a water distribution main provided all of the following conditions are met:

a. The parcel of land upon which the well is to be constructed is not less than two (2) acres in size and is not located within an existing subdivision as defined in the Land Development Code, or was not created by a prior subdivision of land.

b. The nearest water distribution main is located not less than four hundred (400) feet from any property line of the parcel of land on which the individual water well is to be constructed. This requirement may be waived by the City Council upon a finding that the connection to the water distribution main is not feasible for economic or physical reasons.

c. There shall be no more than one (1) individual water well on any parcel of land.

d. A valid permit for the construction and use of such well shall have been issued by the Colorado Division of Water Resources.

3. **Connection Required When Water Distribution Main Available.** Within one (1) year after written notification by the City that a water distribution main is available within four hundred (400) feet from any property line of the parcel of land served by an individual water well, the owner or user thereof shall connect the building utilizing said well to the water distribution main, in accordance with this Article. This requirement may be waived by the City Council upon a finding that connection to the water distribution main is not feasible for economic or physical reasons.

4. **Interconnection Prohibited; Separate Service Line.** Service lines shall not be connected in any manner to serve buildings or parcels of land which are not part of the site being developed, and which are not owned by the permittee. Separate buildings on existing platted lots are required to have an individual service connection if lots can be sold separately under current zoning. In cases where service lines have been constructed from a single tap on a distribution main to parcels of land under different ownership prior to enactment of this Article, and where a shut-off has been installed so water may be turned off to each parcel under separate ownership, and where a meter has been installed to measure the use of each parcel, these extensions shall be permitted until a distribution main is laid in a street, alley, or public right-of-way abutting these parcels of land. Within one year of notification by the City that a distribution main is available in the street, alley, or right-of-way abutting the property, any improvements thereon shall be connected thereto as required in this section.
(Ord. 12-98, 08-25-98)

12-2-3 Permits and Costs.

A. Connection Permit Required.

1. A connection permit shall be required before any person may make a connection to a City distribution main or expand the size of an existing connection to a City distribution main. Buildings destroyed or razed and rebuilt, will be given credit for the size of the pre-existing service line connection to the distribution main.

2. Any increase in the size of a water service line connected to a City distribution main shall be subject to the existing connection permit fees existing on the date such connection is made. Credit shall be given for the size of the pre-existing water service line.

3. There are two (2) components to the connection permit fee which are associated with the use of the City water system. Those fees are: (1.) the tap fee; and (2.) the capital improvement fee.

B. Connection Permit; Issuance, and Requirements. A connection permit will not be issued nor will fees therefor be accepted until: (1.) A needs exists; or (2.) A building permit and/or State plumbing permit has been issued.

The physical installation and connection of the service line and/or water using devices for existing and new structures shall be completed within one hundred eighty (180) days of acquiring the connection permit.

One extension of the preceding time limits may be granted by the Community Development Department for undue and unforeseen delays caused by circumstances beyond the control of the permittee.

If the permittee fails to complete the physical connections within the prescribed time limit, the connection permit shall become null and void, permit fees refunded less Ten Dollars (\$10.00) for administration fees, and a reapplication for a permit will be necessary. Prior to issuance of a connection permit, all fees shall be paid.

(Ord. 16-98, 1-1-99)

12-2-4 Building Water Service Line Installation.

A. General. New water service lines shall not serve properties that are not owned by permittee.

1. Subdivisions or sales of land that will create situations where a water service line could serve properties under different ownerships, shall require the installation of separate service lines to serve the new parcels. Original abandoned service lines must be disconnected.

2. Location of service line connections to the main must be approved by Public Works Department and as-built locations of water service lines furnished to the Department after connection.

Water service line installation within the City right-of-way, including excavation, bedding, compaction and backfill, shall be done by authorized agents of the City. A licensed plumber, under the supervision of a master plumber, and licensed by the State shall do plumbing on water systems connected to the City water system including meter installation on private property except that a homeowner may do plumbing on private property on which is placed a single dwelling unit of which he is the sole resident.

B. State of Colorado Plumbing Code. All water service lines and service pipes connected to the City water system shall be installed in accordance with the Uniform Plumbing Code, current edition, State of Colorado, and amendments thereto, which have been legally adopted by the City and requirements of this Chapter.

C. Water Service Line Specifications.

1. All service lines and pipes appurtenant thereto which are laid in streets, alleys, or other public ways shall be of type "K" copper.
2. All service lines shall be laid at a depth of not less than six feet (6') below the finished surface of the ground.
3. All service lines shall be connected to a curb stop located at the property line and such stop shall be protected by an adjustable iron box or cylinder which shall be adjusted to be level with the adjacent ground surface.
4. Backfill and compaction shall be in accordance with specifications adopted by the Department of Public Works.

D. Costs. Tap fees for water service line installation by the City within the City right-of-way, including material, labor, hardware, equipment use, and surface replacement (due to excavation) shall be paid by the permittee. This payment will be calculated by the Public Works Department and is a part of the connection permit fee paid at the time of building permit issuance.

E. Inspection, Tests. The permittee shall make arrangements for inspections of the service line giving ample time (min. twenty-four (24) hours) for the inspector to schedule same. The following inspections must be accomplished:

1. Service line, curb stop, and adjustable cylinder (before backfill).
2. Inspection of the service line piping from the curb stop to five feet (5') outside of the exterior wall of the building in a manner approved by the Community Development Department.
3. The service line shall be tested for leaks in the presence of the Community Development Department inspector (prior to backfill).

4. Bedding, compaction, and backfill (during backfill).

F. Maintenance Responsibility. The City shall be responsible for any problems with the service line within the public right-of-way. The City shall be responsible for and shall repair the excavation if and when settlement occurs within the public right-of-way.

The property owner shall bear all responsibility for maintenance of the service line and excavation on private property.

G. Abandonment of Service Lines. The Public Works Department shall determine practical means for abandonment of a service line.

12-2-5 Water Main Extensions.

A. General; Applicability. These water main regulations apply to those portions of the City that have been legally subdivided and platted prior to the effective date of these regulations. Any portion of the City which has not been platted prior to enactment of this Chapter shall comply with the requirements stated in the Subdivision Regulations.

B. Length and Location of Extended Mains. All new water main extensions shall extend the full length of the property being served or developed and to the center line of any adjacent street right-of-way.

Water mains shall be located in a public right-of-way and location must be approved by the Public Works Department.

C. Engineering and Design.

1. The City shall provide the engineering and design work at no cost to the developer for extensions of water mains that will be located in developed City streets or alleys that have been previously platted, accepted, and opened for use as a public right-of-way.

2. In those instances where the streets, alleys, or right-of-way have not been opened for public use (in platted areas), the developer shall furnish engineering data and plans conforming to City regulations and specifications. The design and engineering work shall be done by a professional engineer licensed by the State of Colorado and these engineering and design costs shall be borne by the developer. All plans shall require approval of the Public Works Director.

D. Excavation and Installation of City Water Mains. The developer shall be responsible for installation of the main and shall secure all permits and inspections as required by this Chapter.

All water mains installed in the City water system shall be formed of ductile iron manufactured in accordance with the requirements of ANSI/AWWA C151/A21.51. Mechanical joints for such pipe shall be in accordance with ANSI/AWWA C111/A21.11. Pipe thickness shall be Class 52 or greater and be designed in accordance with ANSI/AWWA C150/A21.50. Pipe and fittings shall have cement mortar lining and seal coating in accordance with ANSI/AWWA C104/A21.4. All pipe shall be provided with CAD welded continuity straps.

Before any work is commenced, approval of the Public Works Director must be secured.

Upon completion of the main, prior to dedicating the line to the City, the developer shall furnish as-built plans stamped by a professional engineer licensed by the State of Colorado, to the Public Works Department. The plans shall show materials, location, elevations, and profiles of all components of the new water main.

Required inspections:

1. All contracted excavations for main line extension shall be installed and inspected to meet City specifications.
2. Inspections shall be required before and during the bedding of the water main. The developer must notify Public Works Department inspector twenty-four (24) hours prior to backfill placement.
3. A leakage test, with the Public Works Department inspector present, must be conducted either before or after the main is buried.

Installation of the water main, all components of the main, and backfill, shall be in accordance with this Chapter, the Plumbing Code, current edition, and City specifications.

Work shall not be covered until approved by the Public Works Department.

E. Testing and Disinfection of Mains. City distribution mains shall be disinfected and tested in accordance with AWWA Standard C601, prior to being placed in service. Hydrostatic tests shall be performed on all water main installations as specified in AWWA Standard C600. Tests will be observed by and meet with the approval of the Public Works Department.

If chlorine tablets are to be used as a disinfecting means, the installing contractor shall place the tablets as required by AWWA C601.

Other means of disinfection shall be accomplished by qualified City personnel.

The City shall test the water for and assure adequate disinfection in accordance with the AWWA Standard C601.

F. Costs; Responsibility of. Costs of materials for water main extensions including pipe, manholes, labor and testing, shall be borne by the developer. In cases where main lines will benefit multiple landowners, or properties, the use of assessment districts (Local Improvements) is encouraged in order that the costs can be shared by all of those who benefit from the new infrastructure. Local Improvements can be initiated by either the City or by petition of landowners and are addressed in the Chapter on Local Improvements of the Municipal Code.

If the City requires a main to be installed which is larger than six inches (6") and which is larger than required to serve or provide fire protection to a subdivision, the City shall bear the difference in cost of the hardware.

G. Dedication of Mains to City. Upon completion of the extended main to the satisfaction of the Public Works Department, the developer for which the water main was extended, shall convey said water main to the City, relinquishing all ownership rights. This dedication will be prepared by the developer and approved by the City Attorney.

Upon acceptance by and conveyance to the City, the developer shall warrant the materials and workmanship of the conveyed facilities for a period of one (1) year from date of acceptance. Upon the expiration of the warranty period, the City shall assume all responsibilities of ownership and maintenance of the main. Until the main is conveyed, the responsibility and maintenance shall be borne by the developer.

No water shall be turned on to the user's premises except for testing purposes, until ownership of the main has been conveyed to the City.

H. Extension of Mains Outside City Limits. Extension of water distribution mains to areas outside the corporate limits of the City shall require City Council approval.

12-2-6 Water Meters.

A. General. Each City water user shall install a water meter in compliance with the requirements of this Chapter.

Location of every meter shall be approved by the Public Works Department and shall be located within three feet (3') of an access opening which measures at least twenty-two inches by twenty-four inches (22" X 24") in area. This opening must provide direct and immediate access to the water meter. Water meters shall be located so as to provide a clear area one foot (1') above the meter, nine inches (9") below and three feet (3') in front of the meter to provide space for removal or changing of the meter. Water meters must be kept immediately accessible to City personnel for reading and maintenance and access shall be kept clear from obstructions.

New location of meters for remodeling must adhere to the rules for installation of new meters as directed by this Chapter.

If the water meter is not equipped with a read-o-matic (remote reading device) for normal monthly meter reading, any access means shall be kept clear of snow, ice, and debris. If the City determines that the meter access is obstructed, the City may request by mail that the user remedy the problem within forty-eight (48) hours after receipt of the letter or the user's water bill shall be estimated.

B. Size and Maintenance of Water Meters. The City shall purchase, retain title to, maintain, and furnish to the user a five-eighths inch by three-fourths inch (5/8" X 3/4") water meter for any installation required by the City.

In cases where the user wishes to install a water meter which is not required by the City, the user shall purchase, maintain, and will be the sole owner of the meter.

Any meter so installed shall comply with regulations governing water meters. An agreement for testing and maintenance of these meters by the City may be made with approval of the Public Works Department.

Any required water meter larger than five-eighths inch by three-fourths inch (5/8" X 3/4") shall be purchased through the City by the user. Only the cost of the new meter, minus the cost of a five-eighths inch by three-fourths inch (5/8" X 3/4") meter shall be borne by the user.

The City shall maintain the larger meters and will retain ownership of same.

Water meters may be removed at any time for service and repair at the discretion of the Public Works Department.

C. Water Meter Installation. Valves shall be installed in the water service line on both sides of the water meter within three feet (3') of the water meter at the expense of the water user.

A removable grounding strap shall be attached to the service line on both sides of the water meter so as to insure a good conductor for water pipes used as a ground for the house's electrical system.

Installation of any new or relocated water meter shall require that a remote reading device be installed next to the electric meters at a height which can be read by the meter reader without use of a ladder, etc.

D. Pit Meters. Pit meters shall be allowed only when it has been determined by the Director, that an inside installation is or would be impractical. When pit meters are allowed, they shall be located as near the property line as practical and be kept free from any obstructions.

Where a pit meter is allowed, the pit and meter shall be installed in accordance with City specifications for pit meters.

E. Protection Against Freezing. Individual dwelling unit water systems shall be capable of having the water shut off and drained independently of other dwelling unit's systems, if a multi-unit configuration.

Any water user who has an individually metered service shall notify the City at least five (5) working days prior to vacating the premises during the colder months and make arrangements for the City to remove the water meter. When the user intends to reoccupy the premises, he should make arrangements with the City to have the water meter reinstalled giving the City ample time (min. twenty-four (24) hours) to schedule same.

It is the responsibility of the user to prevent the meter from freezing by adequate protection. If the water user fails to have the water meter removed prior to vacating the premises, the user shall be liable for any damage to the meter caused by freezing.

The City assumes no liability for pipes, meters, or other appurtenances on private property.

F. Safety. Water meter locations, entrances, and accesses to water meters shall be such as to provide safe entrance for City personnel to the meter for removal, repair, or monthly readings.

G. Failure of Water Meter. If a water meter shall fail to register in any month, the user shall be charged according to the average quantity of water used in a similar period when the meter was in order. The preceding also applies to meters inaccessible due to failure to meet safety requirements of 12-2-6(E.) of the Municipal Code.

12-2-7 Water Service Charges.

A. The User Charge. The user charge shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement of other related waterworks system costs which the City may determine by ordinance to be paid by the user charge. User charges are outlined in the water system fee schedule.

B. Review of User Charge System. The City will review the user charge system periodically and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

C. Charges for Pipe Thawing and Turning On Water. If it becomes necessary to have the service line between the distribution main and the curb stop thawed, the City will provide this service at no cost to the customer. The City will not thaw pipes on private property.

It shall be unlawful for anyone other than authorized City personnel to turn off or turn on water to a premises, at the curb stop, unless the person doing so is expressly authorized by the Public Works Director to do so.

D. Emergency Water Provisions. Whenever there is a shortage of water, and in the opinion of the City Council an emergency exists, the Council shall have the power to regulate watering hours or ration water use by resolution. Such resolution shall be published at least one (1) time in a newspaper of general circulation in the City, and such power shall continue until such time as the Council voids the resolution. Water usage contrary to the emergency regulations may warrant water shut-off by the City.

12-2-8 Power and Authority of Inspectors.

A. Entry of Properties. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of discontinuing service, inspection, observation, measurement, sampling, and testing pertinent to water supply in accordance with the provisions of this Chapter.

B. **Limitations.** While performing the necessary work on private properties, the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the person, and the person shall be held harmless for injury or death to the City employees, shall indemnify the person against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the person, except as such may be caused by negligence or failure of the person to maintain safe conditions as required.

C. **Entry of Areas Within Easement.** The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds either a duly negotiated easement or a prescriptive easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the waterworks facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

12-2-9 Violations. Water Turned Off. The City reserves the right to turn off water for violations of this Chapter if no other means can be found, satisfactory to the City, to correct the violation.

If water for a premises has been turned off for a violation of this Chapter or for nonpayment, a reconnection charge shall be paid prior to turn-on.

Each day that a violation exists shall constitute a separate offense.

(Ord. 2-94, 6-14-94)

12-2-10 Penalties. Any person, firm or corporation convicted of violating the provisions of this Article shall be subject to the penalties provided in Chapter 4, Article 2 of the Municipal Code.

CHAPTER 12

UTILITIES

ARTICLE 3 ELECTRIC SYSTEM

- 12-3-1 Electric Division
- 12-3-2 Connection Requirements
- 12-3-3 Permits and Costs
- 12-3-4 Service Line Installation and Connection
- 12-3-5 Electric Distribution Line Extensions and Reinforcements
- 12-3-6 Electric Meters
- 12-3-7 Powers and Authority of Inspectors
- 12-3-8 Violations
- 12-3-9 Penalties

12-3-1 Electric Division.

A. Electric Division Responsibility. The Electric Division shall be responsible for the electric supply system serving the City and designated areas outside of the City limits as certified by the Public Utilities Commission.

B. Electric Management. The Public Works Director (hereinafter Director), under the direction and control of the City Manager, shall be responsible for the operation and maintenance of the electric system and shall have charge of all matters concerning the electric system, enforcement of electric regulations, accountability for materials and the manner in which the same are used or disposed of.

C. Rules and Regulations. The Director shall recommend such rules, ordinances or regulations for adoption to the City Manager, as may be required to insure safe and efficient operation of the electric supply system, for an electric supply sufficient to satisfy the public needs, and a reliable electric distribution system.

D. Definitions.

1. Behind Meter. All electrical wiring and facilities, not including the meter base, toward the premises side.

2. Customer. The person or organization responsible for the electric utility account for the premises and includes authorized employees or agents of the customer.

3. Distribution Extension. Distribution facilities including primary and secondary distribution lines, transformers, service lines, and all appurtenant facilities excepting meters and meter installation facilities necessary to supply service to additional customers.

4. Distribution Line. Primary distribution lines, transformers, and all appurtenant facilities, excluding service lines, meters, and meter installation facilities.
5. Distribution Reinforcement. Increase in size of existing facilities necessitated by applicant's estimated electric requirements.
6. Energy Diversion. The act of "bypassing," "tampering," or "unauthorized metering," as those terms are defined in C.R.S. §40-7.5-101.
7. Front Side of Meter. All electrical wiring and facilities, including the meter base and meter, toward the service side.
8. NEC. The National Electric Code, as adopted by the State Electrical Board pursuant to C.R.S. §12-23-104.
9. Open for Public Use (Street or Alley). A street or alley legally platted or accepted by the City as a street or alley and which is being used by the general public as such.
10. Point of Service. The point of connection between the facilities of the serving utility and the premises wiring.
11. Service Line. The secondary overhead or underground electric circuit and associated facilities located between the distribution line and customer point of service. Service line provides service for customer's exclusive use.
12. Service Upgrade. An increase in the wire capacity in amperage.
13. Wedge. Clamp connection between service line to service point.

12-3-2 Connection Requirements.

A. Connection Required. The owner of any house or other building occupied for business or residence purposes, situated within the City and abutting any public street, alley, or right-of-way in which there is now located an electric distribution line of the City and desiring electric service is hereby required at owner's expense to connect such building by means of a service line directly with the distribution system, in accordance with this Chapter and the NEC. New buildings or lots, requiring electric using devices, shall require the extension of a distribution line to serve the property in accordance with Section 12-3-5 of this Chapter, if a distribution line, legally dedicated to the City, does not abut the property in question. All connections to the City's electrical distribution system shall be inspected by the State Electrical Inspector.

Service lines shall not be connected in any manner to serve buildings or parcels of land which are not part of the site being developed and which are not owned by the permittee. Separate buildings on existing platted lots are required to have an individual service line if lots can be sold separately under current zoning.

Within one year of notification by the City that a distribution line is available in the street, alley, or right-of-way abutting the property, any improvements thereon shall be connected thereto as required in this section.

B. Unlawful Acts and Damage.

1. Damage.

a. No person shall injure or damage any property, equipment, or appliance constituting or being a part of the City's electric facilities.

b. No person, except those authorized by the City, shall trespass upon the enclosed lands upon which any portion of the City's electric facilities are constructed, or in any manner to interfere with the facilities or any portion thereof.

c. No person, except those authorized by the City, shall make any connection to any distribution lines.

2. Energy Diversion.

a. No person shall do or perform any act which constitutes energy diversion.

b. Due to its hazardous nature, discovery by the City of energy diversion shall be grounds for immediate disconnection of service, without prior notice to the customer or user at such premises. Where energy diversion has occurred and immediate disconnection is affected, the City shall give notice concurrent with the disconnection or as soon as practical thereafter, and provide an opportunity for hearing. The sole purpose of the hearing will be to ascertain the facts concerning the event of energy diversion and its duration. Service may be reconnected only after the means by which energy diversion was accomplished has been corrected. The City may impose a deposit requirement sufficient to protect the City from any future acts of energy diversion.

In case of energy diversion, the City may bill the customer for estimated energy consumed but not properly registered. In its discretion, the City may also charge the customer for the costs of investigation and correction resulting from the energy diversion.

12-3-3 Permits and Costs. Connection Permit Required. A connection permit shall be required before any person may make a connection to a City distribution line or for a service upgrade. The connection permit is issued by the State of Colorado Electrical Inspector in accordance with the NEC.

12-3-4 Service Line Installation and Connection.

A. General. New electric service lines shall not serve properties that are not owned by permittee.

Subdivisions of land that will create situations where an electric service line could serve properties under different ownerships, shall require the installation of separate service lines to serve the new parcels. Original abandoned service lines must be disconnected.

Location of service lines and connections to the main must be approved by the Public Works Department.

In performing a service line connection to the City distribution line, an electrician licensed by the State of Colorado shall be responsible for the following:

1. Calculate mast height necessary to comply with NEC right of way clearance requirements.
2. Leave enough service drop wire for the City electric line crew to physically make the connection to the City point of service within NEC requirements.
3. Perform the actual service line connection to the building in conformance with NEC requirements.
4. Measure and certify to the City prior to installation of the meter that minimum height requirements have been met.
5. The City electric line crew shall be responsible for the actual physical connection at the point of service. All installation and maintenance from the point of service to and throughout the buildings shall be the responsibility of the property owner.

A homeowner may perform electrical work on private property on which is placed a single dwelling unit of which sole residency is by the owner. This provision applies to all installations behind the City's electric meter.

Electrical work from the front side of the meter to the transformer and distribution line must be performed by a licensed electrician.

B. State of Colorado Electric Code. All service lines and service line connections to the City electric system shall be installed in accordance with the NEC and requirements of this Chapter.

C. Electric Service Line Installation Within the City Right-of-Way.

1. Electric service line installation within the City right-of-way, including the connection of service lines to the transformer and distribution line and any electric for underground electric lines, excavation, bedding, compaction, and backfill, shall be done by authorized agents of the City.

2. Specifications:

a. All electric service lines shall be of the type required by the NEC.

b. All underground service lines shall be laid at a depth of not less than that required by the NEC.

c. Backfill and compaction of underground lines shall be in accordance with City specifications.

D. Costs. Electric service line installation by the City within the City right-of-way, including material, labor, hardware, equipment use, and land surface replacement (due to excavation) shall be paid by the permittee. This payment is a part of the fees paid at the time of building permit issuance.

E. Inspections. The permittee shall make arrangements for inspections of the service line with the State of Colorado Electrical Inspector giving ample time (min. twenty-four (24) hours) for the inspector to schedule same. Inspections are required for temporary service and throughout the construction process to final inspection.

F. Maintenance Responsibility. The property owner shall be responsible for the service line within the public right of way and on private property. However, any maintenance within the City right-of-way shall be performed by City personnel at the property owners expense.

G. Abandonment of Service Lines. The Public Works Department shall determine the practical means for abandonment of a service line.

The property owner shall bear all responsibility for maintenance of the service line and excavation, on private property.

12-3-5 Electric Distribution Line Extensions and Reinforcements.

A. General; Applicability.

These electric distribution line regulations apply to those portions of the City system that have been legally subdivided and platted prior to the effective date of these regulations. Any portion of the City and designated areas outside of the City limits, which has not been platted prior to enactment of this Chapter shall comply with the requirements stated in the Subdivision Regulations.

B. Length and Location of Extended Distribution Lines. All new electric extensions shall extend the full length of the property being served or developed.

Electric distribution lines shall be located in a public right-of-way, whenever possible, and all locations must be approved by the Public Works Department. In cases where the line will traverse private property, a utility easement for installation, access and maintenance must be approved by the Public Works Department and accepted by the City. Easements must be accepted by the City prior to construction.

C. Engineering and Design.

1. The City shall provide the engineering and design work at no cost to the developer for extensions of electric lines that will be located in developed City streets or alleys that have been previously platted, accepted, and opened for use as a public right-of-way.

2. In those instances where the streets, alleys or right-of-way have not been opened for public use (in platted areas), the developer shall furnish engineering data and plans conforming to City regulations and specifications. The design and engineering work shall be done by a professional engineer licensed by the State of Colorado and these engineering and design costs shall be borne by the developer. All plans shall require approval of the Director.

D. Excavation and Installation of City Electric Distribution Lines. The City shall be responsible for installation of any distribution line.

All overhead electric distribution lines installed in the City electric system shall be aluminum core steel, reinforced wire.

All underground electrical distribution lines in the City system shall be 220 jacketed EPR cable. Sizing for all distribution lines shall be determined by the Public Works Department.

E. Distribution Line Costs; Responsibility of. Costs of materials, labor, hardware, equipment use and land surface replacement (due to excavation) for distribution line extensions shall be borne by the developer. In cases where main lines will benefit multiple landowners, or properties, the use of assessment districts (Local Improvements) is encouraged in order that the costs can be shared by all of those who benefit from the new infrastructure. Local Improvements can be initiated by either the City or by petition of landowners and are addressed in the Chapter on Local Improvements of the Municipal Code.

If the City requires a distribution line to be installed which is larger than that required to serve the subdivision, the City shall bear the difference in cost of the hardware.

F. Dedication of Distribution Lines to City. Upon completion of the line to the satisfaction of the Director, the developer/user for which the distribution line was extended, shall convey said line to the City relinquishing all ownership rights. This will be a legal agreement prepared by the developer's attorney and must meet with the approval of the City Attorney.

Upon acceptance by the Director, and after the ownership of the extended distribution line is conveyed to the City, the City shall assume all responsibilities of ownership and maintenance of the line.

No electricity shall be turned on to the user's premises until ownership of the distribution line has been conveyed to the City, except for testing.

G. Extension of Distribution Lines Outside City Limits. Extension of distribution lines to areas outside the corporate limits of the City shall be in conformance with Public Utility Commission requirements.

12-3-6 Electric Meters.

A. General. Each City electric user shall utilize an electric meter in compliance with the requirements of this Chapter. Meters and meter bases are furnished by the City, however, the property owner is required to have a licensed electrician install the meter base and outside disconnect. Following this installation and prior to the City's installation of the meter, the State Electrical Inspector must inspect and issue approval to proceed.

Location of every meter shall be approved by the Public Works Department. Electric meters must be kept immediately accessible to City personnel for reading and maintenance and access shall be kept clear from obstructions. If the City determines that the meter access is obstructed, the City may request by mail that the user remedy the problem within forty-eight (48) hours after receipt of the letter or the user's electric bill shall be estimated.

New location of meters for remodeling must adhere to the rules for installation of new meters as directed by this Chapter.

B. Size and Maintenance of Electric Meters. The City shall purchase, retain title to, maintain, and furnish to the user an appropriate meter for any installation required by the City.

Electric meters may be removed at any time for service and repair at the discretion of the Public Works Department.

C. Electric Meter Installation. The property owner shall install the meter base, and outside disconnect at a location approved by the Public Service Department. The installation must meet with the approval of the State Electrical Inspector prior to the installation of the meter by the City.

D. Safety. Electric meter locations, entrances, and accesses to electric meters shall be such as to provide safe entrance for City personnel to the meter for removal, repair, maintenance, or monthly readings.

E. Failure of Electric Meter. If an electric meter shall fail to register in any month, the user shall be charged according to the average electricity used in a similar period when the meter was in order. The preceding also applies to meters unaccessible due to failure to meet safety requirements of Section 12-3-6(D.) of this Chapter.

F. Electric Meter Testing. The City reserves the right to make tests and inspections as required on its meters to ensure a high standard of accuracy. A meter will be considered accurate if it tests within two percent (2%), plus or minus. A customer may request that a test of the meter be made. In the event the meter is found to register within two percent (2%), plus or minus, the customer will be required to pay a test fee of Twenty Dollars (\$20.00). If the meter is found to exceed the two percent (2%) limit, plus or minus, prior bills may be adjusted for the prior six (6) month period or until the date of the previous test if the meter was tested less than six (6) months previously. No charge will be made for the test of a meter which exceeds the two percent (2%) standard.

12-3-7 Powers and Authority of Inspectors.

A. Entry of Properties. Customers shall permit employees and inspectors of the City, when properly identified, to enter customer's premises and to examine the wiring, appliances, or other equipment relating to the Department service, to ascertain loads, make necessary tests, and to replace or remove the Department's own equipment.

B. Limitations. While performing the necessary work on private properties, the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the person, and the person shall be held harmless for injury or death to the City employees, and the City shall indemnify the person against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the person, except as such may be caused by negligence or failure of the person to maintain safe conditions as required.

C. Entry of Areas Within Easement. The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds either a duly negotiated easement or a prescriptive easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the electrical facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

12-3-8 Violations. Electricity Turned Off. The City reserves the right to turn off electricity for violations of this Chapter if no other means can be found, satisfactory to the City, to correct the violation.

Each day that a violation exists shall constitute a separate offense.

12-3-9 Penalties. Any person, firm, or corporation convicted of violating the provisions of this Article shall be subject to the penalties provided in Chapter 4, Article 2 of the Municipal Code.

(Ord. 2-94, 6-14-94)

CHAPTER 12

UTILITIES

ARTICLE 4 UTILITY SERVICE RATES AND FEES, RULES AND REGULATIONS

- 12-4-1 Definitions
- 12-4-2 Rate Tables and Capital Improvement Fees
- 12-4-3 Rules and Regulations

12-4-1 Definitions.

- A. Person. Any individual, firm, company, association, society, corporation, or group and shall include both singular and plural.
- B. Residential Electric Customer. A person whose residential dwelling unit is individually metered by unit to measure the amount of electricity used for domestic purposes.
- C. Residential Water and/or Sewer Customer. A person whose residential dwelling unit is individually metered by unit to measure the volume of potable water used for domestic purposes.
- D. Residential Refuse Customer. A person whose tract or parcel of land within the City is improved with at least one (1), but not more than eight (8), residential dwelling units. Each unit will be considered as a customer.
- E. Commercial Electric Customer. A person using electricity in connection with the operation of business establishments for all purposes, including stores, offices, motels, restaurants, and industrial concerns, but not including buildings, structures, trailers or mobile or modular homes, which are used for residential purposes only.
- F. Commercial Water and/or Sewer Customer. A person receiving potable water from which a mercantile pursuit, transaction, industry, occupation, trade, or commerce is conducted for the primary purpose of financial gain. The term includes professional, real estate, insurance offices and when a single water meter serves a dwelling consisting of two (2) or more residential units.
- G. Commercial Refuse Customer. A person whose tract or parcel of land with improvement thereon, other than residential refuse customers as defined herein, with the City.

H. Contract Light Customer. Person using electricity in connection with dusk to dawn lighting service with controlled security lights per contract with the City.

I. Contract Customer. Person taking delivery of electricity at primary voltage or person using three (3) million gallons of water per year, or commercial refuse customer or sanitation district.

J. Monthly Service Charge. A monthly fee charged to each customer regardless of the monthly volume or energy charge.

K. Rate. Amount charged per unit of commodity or service.

L. Energy Charge. Rate multiplied by the kilowatts per hour (Kwh) consumed.

M. Volume Charge. Rate multiplied by the volume of water consumed.

N. Payment Due Date. Utility charges become due and payable ten (10) days from the date of billing.

O. Default of Payment or Delinquent. Bills for any utility charges remaining unpaid thirty (30) days or more from the date of billing are considered in default of payment and delinquent.

P. Break in Service. Any period of time when utility service is discontinued and there is no person accepting responsibility for payment of services.

Q. Capital Improvement Fees for Waterworks and Sewer Connections: A fee charged to pay for the installation and replacement of the water or sewer system infrastructure and is a one-time fee to use the system.

R. Temporary Service Charges. Amount applicant, prior to connection, pays to the City not subject to refund, for the City's estimated costs of installing and removing the meter less the salvage value of materials used. City utility facilities placed at other than the permanent location shall be considered as temporary service.

S. Construction Costs of Distribution Facilities. The combined costs of all facilities necessary to the distribution extension or reinforcement, including satisfactory right-of-way.

T. Free Construction Allowance. That portion of necessary construction made by Public Works, at its expense.

U. Construction Payment. Amount advanced by applicant to the City to pay all construction costs in excess of free construction allowance.

V. Refund of Construction Payment. Amount of construction payment returned to applicant or applicant's assignees by the City.

W. Normal Domestic Wastewater. Wastewater that has a Biochemical Oxygen Demand (B.O.D.) concentration of not more than three hundred (300) mg/l and a Suspended Solids (S.S.) concentration of not more than three hundred (300) mg/l. Normal domestic wastewater is considered to have a concentration which may generally range from approximately one hundred twenty-five (125) to three hundred (300) mg/l of both B.O.D. and S.S.

12-4-2 Rate Tables.

Electrical Rates

Residential:

Monthly Service Charge	
Flat Rate	\$ 1.80
Time of Day Rate	\$10.00
Usage Charge	
Flat Rate	\$0.05117/Kwh
Time of Day Rate	
On-Peak(1)	\$0.07100/Kwh
Off-Peak(1)	\$0.02500/Kwh

Commercial:

Monthly Service Charge	\$1.80
Usage Rate	\$0.04747/Kwh

Contract Lights \$3.79/Mo/Fixture

(Ord. 16-98, 10-1-98)

Note 1: On-peak billing shall be the usage occurring during the time between 6:00 AM through 10:00 AM as well as the time between 5:00 PM and 9:00 PM. Off-peak billing shall be all times not described as on-peak.

(Ord. 15-98, 9-22-98)

12-4-2 Rate Tables.**Water Rates:**

Monthly Service Charges for all Customers Based on Size of Water Meter:

5/8"	Meter	\$ 3.65/Mo.
3/4"	Meter	\$ 3.85/Mo.
1"	Meter	\$ 4.00/Mo.
1 1/2"	Meter	\$ 8.80/Mo.
2"	Meter	\$10.40/Mo.
3"	Meter	\$42.60/Mo.
4"	Meter	\$59.00/Mo.

Usage Charge:

First 5,000 Gal/Mo.	\$1.33/1,000 Gal.
Next 10,000 Gal/Mo.	\$1.42/1,000 Gal.
Over 15,000 Gal/Mo.	\$1.48/1,000 Gal.

Capital Improvement Fees:

Capital Improvement Fees are Based on the Size of the Water Service Line:

3/4"	\$ 2,500.00
1"	\$ 4,500.00
1 1/2"	\$ 10,000.00
2"	\$ 17,500.00
3"	\$ 35,000.00
4"	\$ 60,000.00
6"	\$120,000.00

For connections requiring oversized water service lines for fire sprinkler systems or other fire suppression systems, the charge for the capital improvement fee shall be based on the size of the meter connected to the water service line, plus \$5,000.00.

(Ord. 16-98, Rates Effective 10-1-98, Fees Effective 1-1-99)

12-4-2 Rate Tables.**Sewer Rates****Residential:**

Monthly Service and Usage Charge \$17.55

Commercial:

Monthly Service Charge \$8.00(2)

Monthly Usage Charge \$0.00185/Gallon of Water Used as Determined by Water Meter.

Septic and RV Waste See Note 4.

Capital Improvement Fees:

The Sewer System Capital Improvement Fee is based on the size of the water meter servicing the facility or structure to be connected to the City's waste water facility as follows:

<u>Water Meter Size</u>	<u>Capital Improvement Fee for Sewer Services</u>
3/4"	\$ 5,000.00
1"	9,000.00
1 1/2"	20,000.00
2"	35,000.00
3"	70,000.00
4"	120,000.00

Note 2: If a commercial customer has consumptive use of water or in some other manner uses water which is not returned to the waste water facility, the user charge for that customer may be based on a waste water meter or separate water meter installed and maintained at the customer's expense, or any other method accepted, in writing, by the City Council.

Note 3: For those customers who contribute wastewater strength which is greater than the upper limit of normal domestic sewage, a surcharge, in addition to the normal fee, will be collected as follows:

B.O.D. in excess of 300 mg/l	\$0.363/Pound
S.S. in excess of 300 mg/l:	\$0.062/Pound

Note 4: The dumping of waste from septic tanks shall require authorization of the Public Works Director and a payment to the City of the fee calculated as set forth herein for each dumping of septic waste, prior to said dumping. The location where septic tank waste may be dumped shall be as designated by the Public Works Director. It shall be unlawful to dump septic waste without having proof of prior payment of the fee in possession of the person so dumping. The fee for dumping of septic waste into the City's waste water treatment facilities is calculated as follows:

Septic Waste Dump Fee	\$0.1295/Gallon plus \$25.00
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(Ord. 14-99, Rates Effective 11-1-99, Fees Effective 1-1-2000)

Refuse/Recycle Rates

Residential:

Monthly Service Charge	\$11.25
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Commercial:

See Note 5

Note 5 : Commercial refuse collection shall be based on the individual contract between each commercial customer and the City of Gunnison.

(Ord. 10-1-98)

12-4-3 Rules and Regulations.

A. Electric Service Construction Allowances. Payments by applicants for costs of extending electric lines will be subject to the following rules and regulations:

1. Overhead or underground electric line extensions for secondary or primary service where the use of the service is to be permanent and where a continuous return to the City of sufficient revenue to support the necessary investment is assured will receive a construction allowance. The construction allowance will be equivalent in cost to the gross embedded investment per customer and the City will install, at its expense, necessary overhead or underground electric distribution extension facilities equal to this construction allowance.

Applicants required to pay the City for electric line extensions in advance shall also pay for the necessary overhead or underground electric distribution facilities necessary to serve the applicant in excess of the construction allowance.

2. Construction Allowance by customer rate class:

Residential	\$ 475.00
Commercial	\$ 1,195.00

3. Said construction payment shall be refundable in part or its entirety during a five (5) year period immediately following installation. At the end of said five (5) year period, any remaining construction payment becomes non-refundable.

4. Calculation and Payment of Refunds. When an additional permanent service customer connects directly to an electric distribution extension upon which there is unrefunded construction payment remaining, the City will recalculate the extension costs by: (1.) identifying those costs associated with specifically extending the system to the additional permanent service; and (2.) recalculating the common costs and apportioning those costs equally between customers.

Unrefunded construction payments paid in excess of this recalculated cost will be refunded after factoring in the construction allowance per customer. In no case shall refunds be made which exceed in total the amount of construction payment made by any customer. In no event shall any customer who has terminated service be eligible for any refund after such termination.

B. Application for Monthly Service.

1. Each customer requesting utility service shall sign a standard application for service. The customer shall supply information requested by the City including but not limited to information related to the manner in which the utility will be utilized.

2. By signing the application, the customer agrees to be bound by the Ordinances which form a contract of service.

3. Failure of the City to enforce or insist upon strict compliance with any Ordinance shall not constitute a waiver.

C. Deposit Requirements for Monthly Service.

1. The City may require any customer to give an approved guarantee that their bill for service will be paid promptly. In lieu of such a guarantee, the City may require any customer to make a cash deposit sufficient to secure the payment of an estimated billing not to exceed a ninety (90) day billing, but if a deposit is required its may never be less than Fifty Dollars (\$50.00). The cash deposit will be returned to the customer either after: (1.) the service is ordered discontinued and all charges for services are paid in full; or

(2.) one (1) year, provided no monthly billing has been in default of payment. The City will apply the amount of the refundable deposit to any charges for services outstanding at the time of the discontinued service. Any deposit remaining will be refunded to the customer as quickly as practical.

2. The City shall pay interest on the customer's deposit according to the following:

Simple interest shall be paid by the City upon a deposit at eight and twenty-five hundredths percent (8.25%) per annum, payable upon the return of deposit or annually at the request of the customer.

D. Default of Payment for Monthly Service. When a customer is in default of payment and delinquent, the City may discontinue its utility service to such delinquent customer. The service of any customer shall not be discontinued except upon written notice of at least ten (10) days, advising the customer of such fact, or in an extreme emergency that threatens the health, safety, and welfare of the citizens of the City of Gunnison.

E. Reconnection of Monthly Service.

1. The City shall impose a reconnection fee to the customer requesting reconnection in the event service has been discontinued and a break in service has occurred.

2. Fees may be charged to the customer by the City for collection of accounts in default of payment and for restoration of service to customers in default of payment.

3. When a customer is in default of payment, the City shall have the right to:

a. Impose a collection fee if and whenever the City shall have been required to initiate collection efforts against the customer and if in response thereto the customer shall pay the delinquent amount without the City resorting to disconnection of service. The City shall waive the payment of one such collection fee if the customer has not defaulted in payment at any time in the twelve (12) months immediately preceding the month for which said charge is to be waived.

b. Impose a reconnection fee if and whenever the City initiates collection efforts against the customer and disconnects service as a consequence and has to reconnect it.

Subterfuge includes, but is not restricted to, an application for service at a given location in the name of another party by an applicant whose account is delinquent and who continues to reside at the premises. Service shall not be discontinued or refused for failure to pay any indebtedness except as incurred for utility services rendered by the City.

3. In situations involving permanent residents in multi-unit dwellings known by the City to exist where the utility service for the entire dwelling is recorded on a single meter, the City, at least ten (10) days prior to the proposed termination date for the dwelling involved shall make every reasonable effort to: (1.) deliver a written notice to each individual dwelling unit within the multi-unit dwelling advising that a notice of discontinuance has been sent to the party responsible for payment of electric bills for the dwelling, the date upon which termination will become effective, and how the individual resident in the dwelling unit may contact the City for additional information concerning the proposed termination; or (2.) mailing such notice by first class mail to the addressee or occupant of each unit of the multi-unit dwelling, and to the extent possible, posting a copy of said notice in at least one of the common areas of the multi-unit dwelling.

4. Notice of discontinuance of service shall be mailed or delivered in accordance with paragraph A. As a minimum, said notice shall advise the customer:

a. How to contact the City, without expense to the customer of a toll call, to resolve any dispute with respect to the amount or date due, and/or with respect to violation of any rule.

b. That the customer is entitled to a hearing in person before termination of service at a reasonable time and place within ten (10) days of the date of the notice of discontinuance before the City Manager or his designee.

c. That the customer has the right to make an informal complaint to the City Council by letter or in person.

d. That the customer has the right to request, in writing, a hearing before the City Council.

e. The City Council, at its discretion and upon such terms as it may prescribe, may order the City not to terminate service pending an investigation and/or hearing.

f. That in the event a hearing before the City Council on the proposed discontinuance of service is requested by the customer, the City Council, upon motion by the Finance Department, may order the customer to post a deposit or an additional deposit with the City in such amount as the City Council deems reasonable under the circumstances, which deposit may be in addition to any deposit previously posted with the City.

g. That the customer may avoid termination of service by paying the current month's bill in full and entering into a reasonable installment payment plan with the City to pay the past due balance in no more than six (6) equal monthly installments.

h. That in the event the customer is unable to pay for service as regularly billed by the City, or is able to pay for such service but only in reasonable installments, and there is a medical certification delivered to the City indicating that termination of service would be especially dangerous to the health or safety of the customer or a permanent resident of the customer's household, that there will not be discontinuance of service for sixty (60) days from the date of the medical certification with a possible thirty (30) day extension upon delivery of a second medical certification.

Service shall not be disconnected:

a. If all current bills are paid when due and all past due amounts are being amortized by reasonable installment payments. The due date on the bill must be specifically indicated on the bill and the due date shall be no earlier than ten (10) days subsequent to the mailing or delivery of the bill. Current bill means that portion of the bill which is not thirty (30) days past due. The minimum reasonable installment payment is that which pays a current bill in full and is at least one-sixth ($1/6$) of any past due balance. A reasonable installment payment plan shall require that a past due balance be paid off in no more than six (6) equal monthly installments. The City has the right, in the event there is a breach in the installment agreement, to discontinue service upon the seventh (7th) day following payment in full and the posting of a reasonable deposit in order for the customer to be reconnected.

b. A reasonable installment is defined as one which least one-sixth (1/6) of past due balance and is made no less frequently than once a month.

c. Between twelve o'clock noon (12:00) on Friday and eight o'clock (8:00) A.M. the following Monday, or between twelve o'clock noon (12:00) on the day prior to eight o'clock (8:00) A.M. on the day following any Federal holiday or City observed holiday.

d. During any period when termination of service would be especially dangerous to the health or safety of the residential customer or a permanent resident of the customer's household an such customer establishes that he is unable to pay for the service as regularly billed by the City, or he is able to pay for such service but only in reasonable installments.

Termination of service that would be especially dangerous to the health or safety of the residential customer or a permanent resident of the customer's household means that termination of service would aggravate an existing medical condition or create a medical emergency for the customer or a permanent resident of the customer's household. Such shall be deemed to be the case when a physician licensed by the State makes a certification thereof in writing and said certification is received by the City.

In the event a medical certification as aforesaid is delivered or received by the City, the nondiscontinuance of service as herein prescribed shall be effective for sixty (60) days from the date of said medical certification. One thirty (30) day extension of non-termination of service pursuant to this subsection may be effected by delivery to or receipt by the City of a second medical certification, as aforesaid, prior to the expiration of the initial sixty (60) day non-termination period. A residential customer may invoke the provisions of subsection 4. herein no more than once during any period of twelve (12) consecutive months.

e. Until the City has made a reasonable effort to give notice of the proposed discontinuance in person or by telephone both to the residential customer (or to a resident of age 18 or over) and to his or her landlord, or when (18) days after the customer of age 18 or over comes to his or her place of residence, the City may on a third party notification form.

f. In the event a customer at any time proffers full payment of any bill by cash or bona fide certified check to a representative of the City. The provisions herein shall not preclude the City, by tariff rule and rate, from making a reasonable charge for a service call.

G. Budget Billing. Customers who do not have a pending notice of discontinuance of service may elect, at their option, to pay monthly bills for service on a budget billing plan beginning with any billing month. Any customer electing the budget billing plan will pay a monthly amount equal to one-tenth (1/10) of the total of the most recent twelve (12) months bills. Said monthly payment shall be made for eleven (11) successive months with the twelfth (12th) month's payment being a settlement amount equal to the difference between the total of the prior eleven (11) month's payments and the actual billings for the twelve (12) month period. If the settlement amount is a credit balance, the City will issue a check to the customer in the amount of the credit balance, or the customer may elect to have the credit applied to future billings.

If the settlement amount is a debit balance owed by the customer, the total balance will be due and payable on the due date shown on the bill for the settlement month, except that in the event the debt balance exceeds Twenty Dollars (\$20.00), the customer may elect to pay the debit over a two (2) month period with at least one-half (1/2) of the total debt balance payable in the settlement month. The customer may continue on the budget billing plan for succeeding years, in which case the settlement for each year will occur in twelve (12) month cycles starting with the beginning month.

If a customer electing the budget billing plan fails to pay the budget billing obligation in any month, normal collection procedures shall be applicable for the outstanding budget billing amount. Upon termination of service of a customer on the budget billing plan, the customer is subject to removal from the plan and the entire outstanding amount of the account for actual usage shall be due and payable.

H. Lien on Premises; Owner Liable. All delinquent water, sewer and refuse charges shall become a lien upon the premises to which these services are delivered, from the date same becomes due and until paid. The owner of the lot or building shall be liable for payment of all these charges levied against the property for these services used or taken upon his property and if delinquent charges are not paid, the City may enforce the liability or lien by court action.

In case the occupant or renter of the premises or building shall pay for these services, it shall not relieve the owner from such liability or lien when these service bills become delinquent.

No change of ownership or occupancy shall affect the application of this part and failure of any owner to learn that he purchased property against which a lien for these services exists shall in no way affect his liability for payment in full.

The City reserves the right to terminate these services for nonpayment of charges after thirty (30) days from the date of billing and after notification of the person responsible for payment of the charges.

I. Late Payment Penalties. If the payment of any electric, water, sewer and/or refuse service bill is not made within thirty (30) days from the date of billing, there shall be charged a penalty of ten percent (10%) for late payment; however, if the customer has not previously been in default of a payment for the preceding twelve (12) month period, the penalty shall be waived by the Director of Finance.

(Ord. 2-94, 6-14-94)

CHAPTER 12

UTILITIES

ARTICLE 5 UTILITY EXTENSION REIMBURSEMENT POLICY

- 12-5-1 Statement of Policy
- 12-5-2 Definitions
- 12-5-3 Utility Extension Specifications
- 12-5-4 Reimbursement Agreements

12-5-1 Statement of Policy.

A. The general policy of the City of Gunnison is that development shall pay its own way and that the owners of undeveloped property benefitted by installation of utilities and other public improvements shall contribute financially to the cost of such improvements upon the development of their properties. This policy is designed to achieve fairness in the division of costs of installation of utilities and other public improvements and to protect the taxpayers of the City of Gunnison.

B. The City Council has determined that reimbursement agreements, where agreed to by the initial developer and the City, are an equitable and efficient means of promoting private installation of minor public improvements, particularly for infill of areas in a utility service area that requires utility line extensions. This policy does not apply to special improvement districts or utilities and other public improvements constructed within new developments, be they new subdivisions or PUDs, as defined in Section 15-16-3-B of the City's Land Development Code.

C. The decision whether to enter into a reimbursement agreement between the City and an initial developer is wholly discretionary on the part of the City and an initial developer, dependent upon the individual circumstances of each development. In any specific development proposal where the City deems it inappropriate to do so, the City may decline to enter into a reimbursement agreement pursuant to this policy or may vary the terms of any reimbursement agreement in a manner that the City deems appropriate to the circumstances. The adoption of this policy does not create an obligation upon the City to enter into a reimbursement agreement with any particular initial developer, nor require any specific terms thereof. The adoption of this policy is not to be interpreted as creating or giving rise to an expectation that a reimbursement agreement will be entered into between the City and an initial developer, nor once such an agreement is entered into, that any sums will be collected by the City for reimbursement to the initial developer, except pursuant to the terms of the written reimbursement agreement.

12-5-2 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

- A. **City** means the City of Gunnison, Colorado.
- B. **Connection** means access to a public street, alley, electrical service, irrigation system improvements, or a physical connection via tap to public potable water or sewer service.
- C. **Construction Costs** mean actual costs borne by the initial developer of master planning, right-of-way acquisition, engineering and design, labor, materials, and all other documented amounts paid for the actual installation of a utility, as well as administrative costs not to exceed five per cent of all costs as detailed in a sworn affidavit from the initial developer.
- D. **Initial Developer** means a person constructing or contracting for construction of an extension of utilities to provide service to a particular development.
- E. **Person** means natural persons, corporations, limited liability companies, partnerships, or governmental entities.
- F. **Service Charge** means a fee to be paid to the City in the amount of One Hundred Dollars (\$100.00) per connection, to be deducted from reimbursements from subsequent developers, which represents the reasonable costs incurred by the City in administering the reimbursement procedure set forth herein.
- G. **Subsequent Developer** means a person seeking to connect to the City's utilities after completion of a utility extension by an initial developer. Such utility extensions must be eligible items for reimbursement as set forth herein.
- H. **Utilities** mean:
 - 1. Curb and gutter improvements consisting of all concrete work facing driveable public street surfaces as designed and constructed by the initial developer and approved by the City.
 - 2. Electric distribution facilities, including distribution lines, conduit, poles, switches, fuses, transformers, and related equipment designed by the initial developer and approved and constructed by the City.
 - 3. Irrigation system improvements, including all open ditches, culverts, sumps, pumping stations, or pressurized mains used to convey non-potable water for irrigation purposes which are designed and constructed by the initial developer and approved by the City.

4. Sewer collection facilities, including all public main lines, appurtenances, required lift stations, and forced mains designed and constructed by the initial developer and approved by the City.
5. Storm drainage facilities, including public main lines, appurtenances, and reservoirs designed and constructed by the initial developer and approved by the City.
6. Street improvements, including structural fill, road base, and finish surface such as asphalt, concrete, or other all-weather surface, which are designed and constructed by the initial developer and approved by the City.
7. Water distribution facilities, including all public main lines, appurtenances, and required pump stations designed and constructed by the initial developer and approved by the City.

12-5-3 Utility Extension Specifications. In order to be eligible for reimbursement as set forth herein, all utility extensions shall meet the following requirements:

- A. Utility extension will be engineered by the initial developer.
- B. All utility extensions shall conform to and be in accordance with the City of Gunnison construction standards.
- C. All plans for the utility extension will be approved in advance by the City of Gunnison.
- D. Prior to acceptance by the City, all utility extensions will be inspected and approved by the City of Gunnison.
- E. All utility extensions for which reimbursement is sought, upon their inspection and approval by the City of Gunnison, shall be dedicated by the initial developer to the City and shall be the sole property of the City.

12-5-4 Reimbursement Agreements.

- A. An initial developer who extends utilities through undeveloped areas of the City to extend utility services to the initial developer's property, and in making such extension, provides capacity therein to serve the undeveloped property and who has paid the entire cost of such construction will be eligible for reimbursement pursuant to a reimbursement agreement as provided herein.

B. An initial developer who extends utilities as set forth in paragraph A above may enter into a reimbursement agreement with the City, the terms of which are fully described in such agreement, and which agreement is mutually reached between the initial developer and the City. The agreement shall specify, at the minimum, the following terms and conditions:

1. Total reimbursable costs.
2. Method of determining reimbursement obligation (formula using lineal or square footage or other method).
3. Properties subject to reimbursement obligations.
4. Estimated reimbursement obligations of each affected property.
5. Service charge of One Hundred Dollars (\$100.00) per connection.
6. Non-liability clause for failure to collect or the impossibility of collection by the City.

In the event such an agreement is entered into, the City is hereby authorized to assess a charge against each subsequent developer whose property is specially benefitted by the utility extension for the proportional cost of the utility extension at the time connection to the utility is granted.

C. In the event a reimbursement agreement is entered into and reimbursement is collected from a subsequent developer, the City shall reimburse the initial developer to the extent of such collection, after deducting the service charge of One Hundred Dollars (\$100.00) per connection. All construction costs of the utility extension must be fully paid by the initial developer before the initial developer shall be entitled to any reimbursement. Reimbursement of the initial developer is absolutely contingent upon actual collection from the subsequent developer by the City.

D. The amount of reimbursement which the City shall assess upon subsequent developers shall be based upon the City's determination of the reasonable cost of construction, not to exceed the original actual construction costs.

E. In order to obtain approval of a reimbursement agreement by the City, the initial developer shall first request such an agreement be considered during the Pre-Application Conference or Site Plan Review of the development, and provide to the City's Community Development Department within 120 days of completion of the utility extension, six copies of the following material:

1. Completed bid forms from qualified contractors indicating which contractor was awarded the project, and evidence of a bidding process. All bid forms must contain the description, estimated quantity, and unit price for each utility included in the project.

2. Satisfactory evidence that all costs in connection with the utility extension have been paid, as detailed in a sworn affidavit of the initial developer, and supported by evidence of payment.

3. A map which shall include the following information:

a. Location of the utility extensions.

b. Names and addresses of the owners of each property specially benefitted by the utility extensions and the amount of those benefits.

c. Legal descriptions of the properties specially benefitted by the utility extensions.

d. Such additional information which the City's Departments of Community Development or Public Works may deem necessary.

F. During the preparation of the reimbursement agreement, the books and records of the initial developer relating to the construction costs of the utility extensions for which the initial developer seeks reimbursement shall be open to the City for purposes of auditing and verifying the initial developer's cost.

G. In the event the information required in paragraph E above is not submitted by the initial developer within 120 days of the date of completion of the improvements, there shall be no reimbursement agreement. In the event the information is submitted within the time allowed, the City will review such information and prepare an appropriate reimbursement agreement to be executed between the initial developer and the City. The reimbursement agreement shall be recorded in the office of the Gunnison County Clerk and Recorder at the initial developer's cost. Reimbursement payments shall be made to the City by the subsequent developer for distribution to the initial developer, less the City's service charge. The initial developer shall have 90 days from and after the date of mailing of written notification by the City to the initial developer sent by certified mail, return receipt requested, at the address provided to the City by the initial developer, in which to claim the proceeds of reimbursement payments. After such time, the City shall have no further obligation to the initial developer with regard to reimbursement payments referred to in the notice, and such amounts shall become the sole property of the City.

H. Upon request of the initial developer, which request shall not occur more than once every twelve months, the City shall provide an accounting of each reimbursement payment collected during the proceeding twelve months, the name and address of the remitter of such reimbursement payment, the property address for which the reimbursement was paid, and the current balance of the actual reimbursable costs incurred by the initial developer remaining unreimbursed.

I. The term of a reimbursement agreement shall not exceed a period of fifteen years from the date of its execution, and unless earlier terminated, shall expire when all reimbursable costs, less service charges, have been reimbursed to the initial developer. The City shall not be liable for any portion of the uncollected balance of reimbursable costs. There shall be no collection of reimbursement payments by the City on or after the expiration of the term of the reimbursement agreement. Subsequent developers shall similarly have no obligation to make reimbursement payments after the expiration of the term of the reimbursement agreement.

J. The right to receive reimbursement pursuant to the reimbursement agreement is personal to the initial developer who executes the reimbursement agreement. Any assignment of such right shall be by written assignment signed and acknowledged by the initial developer, its successor or assign, and physically delivered to the City.
(Ord. 1-98, 2-10-98)

CHAPTER 12

UTILITIES

ARTICLE 6 GARBAGE COLLECTION AND RECYCLING SYSTEM

- 12-6-1 Definitions
- 12-6-2 Owners or Occupants of Premises to Provide for Collection and Disposal of Trash, Garbage, Ashes, and Rubble
- 12-6-3 System Established
- 12-6-4 Residential Service
- 12-6-5 Residential Containers
- 12-6-6 Residential Service to be Provided
- 12-6-7 Cost of Residential Service
- 12-6-8 Source Separated Recycling Program
- 12-6-9 Commercial Service
- 12-6-10 Commercial Service to be Provided
- 12-6-11 Cost of Commercial Service
- 12-6-12 Payment of Charges; When Due; Delinquencies; Lien
- 12-6-13 Prohibited Acts
- 12-6-14 Penalty

12-6-1 Definitions. Whenever the following words are used in this Chapter, they shall have the following meanings:

- A. Ashes. All by-products left of something after it has been burned, wood waste burned in devices commonly called "tepee burners" or "silos," and other such burners commonly used in the wood products industry, and other high-temperature materials.
- B. City. The City of Gunnison, Colorado.
- C. City Manager. The City Manager of the City of Gunnison, Colorado.
- D. Commercial User. All tracts or parcels of land with improvements thereon, other than residential users as defined herein.
- E. Garbage. All discarded food, animal and vegetable matter, slop, and materials from dwellings, rooming houses, motels, hotels, clubs, restaurants, boarding houses, eating places, shops, and places of business.

F. Prohibited Items. Motor oil lubricating oil, transmission fluid, kerosene, lamp oil, diesel fuel, brake fluid, antifreeze, auto batteries, motorcycle and snowmobile batteries, boat batteries, engine degreasers, auto body filler, paint in liquid form, epoxy, varnish, paint thinner, turpentine, mineral spirits, paint stripper with methylene chloride, fluorescent light ballasts, broken smoke detectors, railroad ties, treated fence posts, asbestos, swimming pool acid, ceramic glazes, artist oils, acrylics (unless dried), and pesticides or weed killer.

G. Recyclable Material. All materials accepted for recycling by the Gunnison County Recycling Program, as the same may be amended from time to time.

H. Residential User. All tracts or parcels of land within the City improved with at least one (1), but not more than eight (8), residential dwelling units.

I. Rubble. Large brush, wood, cardboard boxes, or parts thereof, large and/or heavy yard trimmings, discarded posts, crates, motor vehicle tires, scrap metal, bedsprings, water heaters, refrigerators, stoves, discarded furniture, and all other household goods or items, and discarded building materials; provided that rubble shall not include demolition materials resulting from the destruction or remodeling of a building or a major part of any building.

J. Trash. All debris, waste, brush, leaves, grass, weeds, waste paper, boxes, glass, cans, offal, cuttings from trees, lawns, and gardens, and other refuse and waste materials other than garbage or rubble.

12-6-2 Owners or Occupants of Premises to Provide for Collection and Disposal of Trash, Garbage, Ashes, and Rubble.

A. Every owner or occupant of premises within the City shall provide for the collection and disposal of trash, garbage, ashes, and rubble in accordance with the regulations of this Chapter.

B. Rubble shall not be allowed to accumulate upon public or private property. The regular collection service provided for herein shall not remove rubble. The owner or occupant of any building, house, structure, or land shall have these items removed and properly deposited in an approved disposal area at his own expense within seven (7) days.

C. Nothing herein contained shall prohibit any person from keeping building materials on the premises for a period up to thirty (30) days before or during a period of active construction, nor shall anything herein contained be construed to prohibit any person from storing any materials used in the operation of a business which is located in a zone allowing such use to be carried on; provided, however, that such materials must at all times be stored in a neat and orderly manner so as not to constitute unsafe, unhealthful, or unsightly conditions.

12-6-3 System Established. A garbage, trash, and recyclable material collection and disposal system for the City is hereby established, which shall be maintained and operated within the City and under the direction of the officials of the City.

12-6-4 Residential Service. All owners or occupants of premises within the City which are encompassed by the definition of residential users are hereby required to use the garbage and trash collection and disposal system established herein.

12-6-5 Residential Containers. Garbage and trash from residential users shall be deposited in lidded containers in serviceable condition. Said containers shall have a capacity not exceeding thirty-five (35) gallons. Brush and cuttings from trees shall be cut in lengths not to exceed four feet (4') in length and be securely bundled. Bundles shall not exceed a weight of forty (40) pounds.

12-6-6 Residential Service to Be Provided. The City's system of garbage and trash collection and disposal for residential users shall consist of weekly pick-up and disposal of all garbage and trash properly deposited into the system in accordance with the regulations adopted pursuant to this Chapter. Each residential user of the system, in consideration of the charge made therefor by the City, shall be entitled to deposit up to three (3) thirty-five (35) gallon containers, or the equivalent thereof, per week.

12-6-7 Cost of Residential Service. The property owners or occupants of premises within the City encompassed within the definition of residential users shall be assessed and pay a monthly charge for the use of the system set by the City Manager at a rate equivalent to the cost of providing such service, after advising the City Council of such rates.

12-6-8 Source Separated Recycling Program. Each property owner or occupant of premises within the City encompassed within the definition of residential user shall be provided with three (3) bins for his use in depositing recyclable materials. The City shall provide weekly pick-up of recyclable material for disposal at the Gunnison County Recycling Program.

Replacement bins shall be available pursuant to such rules and regulations as may be adopted by the City Manager.

12-6-9 Commercial Service. All owners or occupants of premises within the City encompassed within the definition of commercial users may, but are not required to, use the garbage and trash removal and disposal system established hereby. Garbage and trash of commercial users shall be deposited in lidded containers having a capacity not exceeding thirty-five (35) gallons or in trash dumpsters to be supplied by the City, in accordance with a contract for such service, conforming to the requirements and specifications of the City.

12-6-10 Commercial Service to Be Provided. The service to be provided to commercial users shall be the subject of individual contract, based on the needs of the commercial user, entered into by and between the City Manager and each individual commercial user.

12-6-11 Cost of Commercial Service. The owner or occupant of premises requesting commercial services from the City shall be assessed and pay a monthly charge for collection and disposal of garbage and trash in accordance with the individual contract of service between the City and such commercial user.

12-6-12 Payment of Charges; When Due; Delinquencies; Lien. All charges for the use of the City's system for the collection and disposal of garbage and trash shall be payable on or before ten (10) days from the date of billing. In default of payment, there shall be charged a penalty of ten percent (10%) for late payment; provided, however, that the City may waive the payment of one such penalty amount for any service customer, provided such customer has not defaulted in payment for such service at any time within twelve (12) months immediately preceding the month for which said penalty is to be waived. Upon the failure to pay such charges within thirty (30) days of the date of billing, the amount thereof shall become a lien upon the property for which the garbage and trash collection service was rendered, which lien may be made effective by the City by certifying the amount of the charges and the period covered by the charges and giving a legal description of the premises to the County Treasurer, to be collected and paid over by the County Treasurer in the same manner as taxes are authorized to be collected and paid over by the County Treasurer.

The lien for garbage and trash collection charges shall be prior to any and all other liens and encumbrances filed subsequent to the certifying of the lien to the County Treasurer, but shall be subject to all general taxes and all local improvement assessments, whether levied prior or subsequent thereto.

12-6-13 Prohibited Acts.

A. Garbage or trash containers found to be in an unsanitary condition shall be tagged with a red tag by the City. Within seventy-two (72) hours after a garbage or trash container has been tagged, the owner or occupant of the premises and users of the containers shall cause them to be cleaned and put in a sanitary condition. Failure to do so shall be deemed a violation of this Chapter.

B. Ashes shall be deposited in a separate metal container clearly marked in three-inch letters or greater "Caution - Ashes." No person shall deposit or permit or allow to be deposited any ashes or other hot materials in any trash or garbage container except as herein set forth.

C. No person shall deposit or permit or allow to be deposited any prohibited items for disposal by the City, as defined herein.

D. It shall be unlawful to place or permit to remain anywhere in the City any garbage or other materials subject to decay, other than leaves or grass, excepting in a container meeting the requirements of this Chapter.

E. It shall be unlawful to cause or permit to accumulate any ashes, trash, or rubble in a manner that it can be blown away by the wind within the City.

F. It shall be unlawful for any person to place or permit another to place any garbage or trash in any container used in the City's garbage and trash collection disposal system without the permission of the person financially responsible for the services provided to such container.

12-6-14 Penalty. Any person, firm, or corporation found guilty of a violation of any of the prohibited acts set forth in this Chapter shall be fined or imprisoned in accordance with Chapter 4, Article 2 of the Municipal Code, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 2-94, 6-14-94)

